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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/772,132	02/04/2004	Viktor Kanarov	VII/17US	4276
26875	7590	06/27/2005	EXAMINER	
WOOD, HERRON & EVANS, LLP 2700 CAREW TOWER 441 VINE STREET CINCINNATI, OH 45202			ALEMU, EPHREM	
			ART UNIT	PAPER NUMBER
			2821	

DATE MAILED: 06/27/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

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<b>Office Action Summary</b>	Application No.	Applicant(s)	
	10/772,132	KANAROV ET AL.	
	Examiner	Art Unit	
	Ephrem Alemu	2821	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 19 May 2004.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-9 is/are pending in the application.
- 4a) Of the above claim(s) 6-9 is/are withdrawn from consideration.
- 5) ☒ Claim(s) 1, 4 and 5/1 is/are allowed.
- 6) ☒ Claim(s) 2 and 5/2 is/are rejected.
- 7) ☒ Claim(s) 3 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)             | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)    | Paper No(s)/Mail Date: _____  |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date: _____  | 6) <input type="checkbox"/> Other: _____                                    |

## **DETAILED ACTION**

### ***Election/Restrictions***

1. Restriction to one of the following inventions is required under 35 U.S.C. 121:
  - I. Claims 1-5, drawn to a plasma processing apparatus, classified in class 315, subclass 111.51.
  - II. Claims 6-8, drawn to an ion optic grid, classified in class 313, subclass 293.
  - III. Claim 9, drawn to a radio frequency coil for a plasma processing chamber, classified in class 313, subclass 31.

2. Inventions of Group I and Group II are related as combination and subcombination.

Inventions in this relationship are distinct if it can be shown that (1) the combination as claimed does not require the particulars of the subcombination as claimed for patentability, and (2) that the subcombination has utility by itself or in other combinations (MPEP § 806.05(c)). In the instant case, the combination as claimed does not require the particulars of the subcombination as claimed because of the following reasons:

The processing apparatus as claimed in Group I does not necessarily require the ion optic grid as claimed in Group II. The subcombination has separate utility such as casting ceramic or metallic apertures as claimed in Group II.

3. Inventions of Group I and Group III are related as combination and subcombination.

Inventions in this relationship are distinct if it can be shown that (1) the combination as claimed does not require the particulars of the subcombination as claimed for patentability, and (2) that the subcombination has utility by itself or in other combinations (MPEP § 806.05(c)). In the

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instant case, the combination as claimed does not require the particulars of the subcombination as claimed because of the following reasons:

The processing apparatus as claimed in Group I does not necessarily require the radio frequency coil as claimed in Group III.. The subcombination has separate utility such as an electrodeless lamp having plasma processing chamber and RF coil rather than plasma processing apparatus as claimed in as claimed in Group I.

4. Inventions of Group II and Group III are unrelated. Inventions are unrelated if it can be shown that they are not disclosed as capable of use together and they have different modes of operation, different functions, or different effects (MPEP § 806.04, MPEP § 808.01). In the instant case the different inventions to the radio frequency coil as claimed in Group III is not related to an ion optic grid as claimed in Group II.

5. Because these inventions are distinct for the reasons given above and have acquired a separate status in the art as shown by their different classification, restriction for examination purposes as indicated is proper.

6. During a telephone conversation with Thomas W. Humphrey on 6-17-05 a provisional election was made without traverse to prosecute the invention of Group I, claims 1-5. Applicant in replying to this Office action must make affirmation of this election. Claims 6-9 are withdrawn from further consideration by the examiner, 37 CFR 1.142(b), as being drawn to a non-elected invention.

7. Applicant is reminded that upon the cancellation of claims to a non-elected invention, the inventorship must be amended in compliance with 37 CFR 1.48(b) if one or more of the currently named inventors is no longer an inventor of at least one claim remaining in the

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application. Any amendment of inventorship must be accompanied by a request under 37 CFR 1.48(b) and by the fee required under 37 CFR 1.17(i).

***Claim Rejections - 35 USC § 102***

8. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

9. Claims 2 and 5 are rejected under 35 U.S.C. 102(e) as being anticipated by Jeng et al. (US 6,451,161).

Re claims 2 and 5, Jeng (6451161) discloses plasma processing apparatus (Fig. 5, 7, 8), comprising

an evacuated chamber (10) for containing a plasma (Figs. 5, 7),

a radio frequency source (28) for exciting the plasma using radio frequency energy,

a re-entrant vessel (i.e., plural dielectric windows 20'A to 20'E) positioned within the chamber to shape and make more uniform said plasma contained within the chamber (Col. 9, lines 11-20; Col. 10, lines 7-40), and

one or more magnets (i.e., induction coils 32), positioned within the re-entrant vessel (i.e., plural dielectric windows 20'A to 20'E extending toward the wafer 50) (Figs. 7, 8; abstract; Col. 9, lines 15-20; Col. 10, lines 7-40; wherein the re-entrant vessel (i.e., plural dielectric windows 20'A to 20'E extending toward the wafer 50) is not evacuated).

***Allowable Subject Matter***

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10. Claims 1, 4 and 5/1 are allowed.

11. Claim 3 is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

12. The following is a statement of reasons for the indication of allowable subject matter: the prior art of record fail to teach or suggest, alone or in combination, the limitations: “a re-entrant vessel positioned within the chamber to shape and make more uniform said plasma contained within the chamber, wherein the re-entrant vessel is movable within the chamber in at least a first direction to adjust the plasma uniformity, and the re-entrant vessel includes extensions of adjustable shape or position, which may be altered to further adjust and unify said plasma within said chamber” as claimed in claim 1; and “further comprising an actuator for moving said magnet” as claimed in claim 3.

### ***Conclusion***

13. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Brcka et al. (US 6,417,626); Tompa (US 6,289,842); Bhardwaj et al. (US 6,259,209); and Singh (US 5,309,063); also teach similar inventive subject matter.

### ***Correspondence***

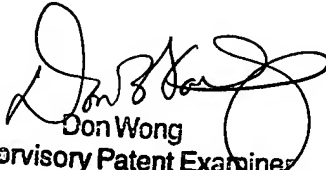
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ephrem Alemu whose telephone number is (571) 272-1818. The examiner can normally be reached on M-F Flex hours.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Don K Wong can be reached on (571) 272-1834. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

EA  
6-22-05

  
Don Wong  
Supervisory Patent Examiner  
Technology Center 2800